

PCT



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the Application of:

Applicant: Mingdong Zhou

Group Art Unit: To be assigned

International Appln. No.: PCT/CN03/00217

Examiner: To be assigned

International Filing Date: 03/26/2003

Confirmation No. 7322

U.S. Serial No.: 10/516,759

Customer No.: 36183

For: ERBB3 BASED METHODS AND  
COMPOSITIONS FOR TREATING  
NEOPLASMS

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.  
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Mail Stop Missing Parts  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**1. Documents Enclosed:**

In response to the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US), which was mailed by the Patent Office on 10/28/2005, enclosed are:

- ☒ A copy of the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b) (2 pgs.);
- ☒ Declaration for Utility or Design Application (Form PTO/SB/01) (2 pgs.);

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, Alexandria, VA 22313-1450.

February 28, 2006  
Date of Deposit

*Janice Crisp*  
JANICE CRISP

- ☒ Statement Under 37 C.F.R. § 1.821(f) and paper copy of Sequence Listing (12 pgs.);
- ☒ Sequence Listing information recorded on compact disc;
- ☒ Check in the amount of \$285.00;
- ☒ Return post card.

2. **REQUEST FOR EXTENSION OF TIME:**

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

- ☒ Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

	EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
<input type="checkbox"/>	one month	\$ 60.00	\$ 120.00
<input checked="" type="checkbox"/>	two month	\$ 225.00	\$ 450.00
<input type="checkbox"/>	three month	\$ 510.00	\$1020.00
<input type="checkbox"/>	four month	\$ 795.00	\$1590.00
<input type="checkbox"/>	five month	\$1080.00	\$2160.00

3. **FILING FEES (Applicant claims small entity status)**

<b>BASIC FILING FEE:</b>			\$ 0.00
Search Fee			\$ 0.00
Examination Fee			\$ 0.00
0 pages in excess of 100			\$ 0.00
Total Claims	- 20 =	x \$ 25.00	\$ 0.00
Independent Claims	- 3 =	x \$ 100.00	\$ 0.00
Surcharge 37 CFR § 1.16(e)	\$130	(if applicable)	\$ 65.00
Assignment--\$40 (if applicable)		<input checked="" type="checkbox"/>	\$ 225.00
<b>TOTAL OF ABOVE CALCULATIONS</b>			<b>\$ 290.00</b>
<b>TOTAL FEES SUBMITTED HERewith</b>			<b>\$ 290.00</b>

03/08/2006 GFREY1 00000031 10516759

01 FC:2617 65.00 OP  
02 FC:2252 225.00 OP

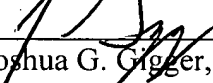
4. **METHOD OF PAYMENT OF FEES:**

- ☒ Checks in the amounts of \$ **285.00** for extension of time and **\$65.00** for late oath surcharge.
- ☒ The Commissioner is authorized to charge Counsel's Deposit Account No. **50-2613** for any fees required under 37 CFR 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account **50-2613**.

Respectfully submitted,

PAUL HASTINGS JANOFSKY & WALKER LLP

Dated: February 28, 2006

By:   
Joshua G. Gigger, Esq.  
Reg. No. 52,945

JGG:jc

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NOV 02 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

MORRISON & FOERSTER

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/516,759	FIRST NAMED APPLICANT Mingdong Zhou	ATTY. DOCKET NO. 524012000300
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INTERNATIONAL APPLICATION NO. PCT/CN03/00217
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I.A. FILING DATE 03/26/2003	PRIORITY DATE 03/26/2002
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25225 *PXC*  
MORRISON & FOERSTER LLP  
12531 HIGH BLUFF DRIVE  
SUITE 100  
SAN DIEGO, CA 92130-2040

*P. HASTINGS*  
*INACTIVE / TRANSFERRED*

*No Docketing Required*
Reviewed by Docketing Initials <i>PH</i>

CONFIRMATION NO. 7322  
371 FORMALITIES LETTER



Date Mailed: 10/28/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 12/02/2004
- Copy of the International Search Report filed on 12/02/2004
- Preliminary Amendments filed on 12/02/2004
- Biochemical Sequence Listing filed on 12/02/2004
- U.S. Basic National Fees filed on 12/02/2004
- Priority Documents filed on 12/02/2004

<b>DOCKETED</b>
NOV 18 2005
<b>PAUL HASTINGS</b>

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new

matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN R MCLEAN

Telephone: (703) 308-9140 EXT 214

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/516,759	PCT/CN03/00217	524012000300